Gowling Laffeur Henderson LLP | Barristers & Solicitors | Patient & Trade Mark Agents |



RECEIVED CENTRAL FAX CENTER

FEB 2 2 2005

Sulte 4900 Commerce Court West Toronto, Ontario Canada M5L 1J3 Telephone (416) 862-7525 Facsimile (416) 862-7661 www.gowlings.com

Mark W. Sajewycz Direct (416) 882-5795 Direct Fax (416) 863-3505 Assistant 416-862-4658 mark.sajewycz@gowlings.com

## **Facsimile**

United States Patent And Company:

Trademark Office

Commissioner for Patents Attention:

703-872-9306 Fax Number:

City/Country: Alexandria, Virginia

**Phone Number:** 

Date: February 22, 2005

UNITED STATES PATENT APPLICATION NO. 09/917,824

NOTICE OF APPEAL AND PETITION FOR EXTENSION OF TIME

9 (including cover) **Total Pages:** 

File Number: T8466250US

CopyTrak #: 1616

Subject:

Application No.

09/917,824

Art Unit No.

3671

Filing Date:

07/31/2001

Examiner:

Addie, Raymond W.

Title:

METHOD OF IN-SITU REJUVENATION OF ASPHALT

PAVEMENT

Confirmation No.

Inventor.

5851

Crupi, Frank

## Please find enclosed the following:

(i) Certificate of Fax Transmission re: Notice of Appeal;

(ii) Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (3

(iii) Certificate of Fax Transmission re: Petition for Extension of Time; and

(iv) Petition for Extension of Time Under 37 CFR 1.136(a) (3 copies)

If there is a problem with transmission or all pages are not received, please call Stephanie Betkaluk at 416-862-4658 for retransmission.

## TOR LAW\ 5968003\I

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the Intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (call us collect), and return the original to us by postal service at the address noted above. Thank you.

Hamilton | Waterloo Region | Calgary | Vancouver | Toronto Ottawa Montréal

Moscow

CERTIFICATE OF Applicant(s): CRUPI, Fi	TRANSMISSION BY FACS	SIMILE (37 CFR 1.8)	Docket No. T8466250 <b>0\$</b>			
Application No. 09/917,824	Filing Date 07/31/2001	Examiner Addie, Raymond W.	Group <b>Art U</b> ni 3671	t		
Invention: METHOD O	F IN-SITU REJUVENATION OF	F ASPHALT PAVEMENT				
I hereby certify that this	Notice of Appeal from t	he <u>Examiner to the Board of P</u>	atent Appeals (3 copies)			
-		(Identify type of correspondence)				
is being facsimile transf	nitted to the United States Paten	t and Trademark Office (Fax.	NO. 703-672-9300	_		
on February						
(Date)						
	•					
		Peter Milne, Re	g. No. 34,534			
		Typed of Printed Name of Per	son Signing Certificate)			
·		(Signatu				
		(05/1811	·• <i>y</i>			
		•				
Note: Each paper must have its own certificate of mailing.						
·						
				٠		
		•				

Doc Code:

\*Total of

PTO/SB/31 (09-04)
Approved for use through 07/31/2005, OMB 0851-0031
U.S. Petent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
to a collection of information unless it displays a valid OMB control number.

Under the Paperwork Reduction Act of 1985, no parsons are recurred to	ISHOUR OF CORP.	Docket Number	r (Optional)			
NOTICE OF APPEAL FROM THE EXAMINER	го	Docket Number (Optional)				
THE BOARD OF PATENT APPEALS AND INTERFERENCES		T8466250US				
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first	in re Applicati Crupi, Frank	ion of				
along mail in an envelope addressed to "Commissioner to	Application Number Filed					
Patents, P.O. Box 1450, Alexandria, VA 22313-1450' [37 CFR on	09/917,824	OF IN-SITU	07/31/2		ASPHALT	
	PAVEME		RESUVEAR.	1,0 01		
Signature	Art Unit		Examiner			
Typed or printed name	3671		Addie, Rayn	iond W.		
Applicant hereby appeals to the Board of Patent Appea	als and Interfe	erences from th	ne last decis	sion of the		
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))			\$	500.00		
Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:						
A check in the amount of the fee is enclosed.						
Payment by credit card. Form PTO-2038 is attached	Payment by credit card. Form PTO-2038 is attached.					
The Director has already been authorized to charge I have enclosed a duplicate copy of this sheet.						
The Director Is hereby authorized to charge any fee to Deposit Account No. 07-1750 . I	s which may be have enclosed	e required, or cro a duplicate copy	edit any over y of this shee	payment at.		
A petition for an extension of time under 37 CFR 1.	136(a) (PTO/SI	B/22) is enclose	d.		,	
WARNING: Information on this form may becom- be included on this form. Provide credit card info	e public. Cred ormation and	it card informat authorization o	tion should on PTO-2038	not		
I am the		A	0			
applicant/inventor.		- <del>-</del>	Signatur	e.		
assignee of record of the entire interest.	\in analass d		Peter M	(ilue		
See 37 CFR 3.71. Statement under 37 CFR 3.73(b (Form PTO/SB/96)	) is enciosed.	Typed or printed name				
<u> </u>			-			
attorney or agent of record.  Registration No. 34,53	4		416-862-	5790		
iveRion and in the same and in the same	•	-	Telephone n	umber		
attorney or agent acting under 37 CFR 1.34.		February 22, 2005				
Registration number if acting under 37 CFR 1.34			Date	·		
NOTE: Signatures of all the inventors or assignees of record of	if the entire intere	est or their renness	antative(e) are	required Sol	omit	
multiple forms if more than one signature is required, see belo	w.	TO A MIGHT I DA 1995		. oquitori wai		

This collection of information is required by S7 CFR 41.31. The Information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officar, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

forms are submitted.

Doc Code:

Total of

PTO/SBIS1 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COSSIERCE
to a collection of information unless it displays a valid OMB control number.

Under the Paperwork Reduction Act of 1995. No persons also required to respect to a second		Docket Number (Optional)			
NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		T8466250US			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first	In re Applicati Crupt, Frank	on of			
class mall in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR	Application No.	07/31/2001			
on	FOR METHOD PAVEMEN	OF IN-SITU REJUVENATION OF ASPHALT			
Signature	Art Unit	Examiner			
name	3671	Addie, Raymond W.			
Applicant hereby appeals to the Board of Patent Appeaexaminer.	als and Interfe	rences from the last decision of the			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$500.00			
Applicant claims small entity status. See 37 CFR 1. shown above is reduced by half, and the resulting for	he fee \$				
A check in the amount of the fee is enclosed.	A check in the amount of the fee is enclosed.				
Payment by credit card. Form PTO-2038 is attached	d.				
The Director has already been authorized to charge I have enclosed a duplicate copy of this sheet.					
The Director is hereby authorized to charge any fee to Deposit Account No. 07-1750 . i		e required, or credit any overpayment a duplicate copy of this sheet.			
A petition for an extension of time under 37 CFR 1.	136(a) (PTO/SE	3/22) Is enclosed.			
WARNING: Information on this form may become be included on this form. Provide credit card information in the control of the card information in the card in the c	e public. Credi formation and	it card information should not authorization/bn PTØ-2038.			
I am the		1.1			
am une applicant/inventor.		- All			
		Signature			
assignee of record of the entire interest.  See 37 CFR 3.71, Statement under 37 CFR 3.73(b) is enclosed.		Peter Milne			
(Form PTO/SB/98)	Tread at stitle some				
attorney or agent of record.  Registration No. 34,534		416-862-5790			
		Telephone number			
attomey or agent acting under 37 CFR 1.34.  Registration number if acting under 37 CFR 1.34.		February 22, 2005			
1		Date			
NOTE: Signatures of all the inventors or assignees of record of multiple forms if more than one signature is required, see below	of the entire Interest ow*.	est or their representative(s) are required. Submit			

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (end by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the Individual case. Any comments on the amount of time you require to complete this form end/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

forms are submitted.

Doc Code:

☐ \*Total of

PTO/SB01 (09-04)
Approved for use through 07/31/2008. OMB 0551-0031

U.S. Patent and Tredemark Office; U.S. DEPARTMENT OF COMMERCE to a collection of information unless it displays a valid OMB confidentimber.

Under the Paperwork Reduction Act of 1995, no persons are required to	respond to a collect	Docket Niver	e (Ontional)		
NOTICE OF APPEAL FROM THE EXAMINER TO		Docket Number (Optional)			
THE BOARD OF PATENT APPEALS AND INTERFERENCES		T8466250US			
		<u> </u>			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first	In re Applicati Crupi, Frank	10 no			
will be an envelope addressed to "Commissioner for	Application Number		Filed		
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR	09/917.824			07/31/2001 REJUVENATION OF ASPHAL	
on	For METHOD PAVEME	OF IN-SITU NT			CHIE STATE T
Signature	Art Unit		Examiner	4331	
Typed or printed name	3671		Addie, Ray		
Applicant hereby appeals to the Board of Patent Appea examiner.	als and Interfe	erences from th	le last deci	sion of the	
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))			\$	500.00	
Applicant claims small entity status. See 37 CFR 1.3 shown above is reduced by half, and the resulting fe	27, Therefore, ee is:	the fee	\$		
A check in the amount of the fee is enclosed.					
Payment by credit card. Form PTO-2038 is attached					
The Director has already been authorized to charge I have enclosed a duplicate copy of this sheet.					
The Director is hereby authorized to charge any fee to Deposit Account No. 07-1750 . I	s which may b have enclosed	e required, or cre a duplicate cop	edit any ove y of this she	erpayment eet.	
A petition for an extension of time under 37 CFR 1.	136(a) (PTO/S	B/22) is enclose	d.		
WARNING: Information on this form may becom be included on this form. Provide credit card info	e public. Cred ormation and	it card information of authorization of	tion should in PTO-203	l not 8.	
I am the			- ()		
·		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \			
applicant/inventor.			Signatu	ire	
assignee of record of the entire interest.		•	Data- 1	Milno	
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.		<del></del>	Pcter Milne Typed or printed name		
(Form PTO/SB/96)			then or burn	ed Hailie	
attorney or agent of record.  Registration No. 34,534			416-862-5790		
			Telephone	number	
attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.		February 22, 2005			
Madigraphy in marines is againg assess 5. 5. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.			Date	)	
NOTE: Signatures of all the inventors or assignees of record of multiple forms if more than one signature is required, see below.	of the entire inter	est or their repres	entative(s) an	e required. S	ubmit

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the indMdual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

forms are submitted.